

1 **Education and Workforce Development Cabinet**

2 **Kentucky Board of Education**

3 **Department of Education**

4 **(New Administrative Regulation)**

5 **704 KAR 19:001. Alternative Education Programs.**

6 RELATES TO: KRS 156.160, KRS 156.070

7 STATUTORY AUTHORITY: KRS 156.160, KRS 156.070

8 NECESSITY, FUNCTION, AND CONFORMITY:

9 KRS 156.070 gives the Kentucky Board of Education the authority over the management
10 and control of programs operated in the public schools. KRS 156.160 gives the Kentucky
11 Board of Education specific authority to promulgate administrative regulations
12 establishing standards which school districts shall meet in program service to students.
13 This administrative regulation establishes minimum requirements for the operation of
14 alternative education programs in school districts.

15 Section 1. Definitions. (1) “Alternative Education Programs” are programs that exist to
16 meet the needs of students that cannot be addressed in a traditional classroom setting
17 through the assignment of students to alternative classrooms, centers or campuses
18 designed to remediate academic performance, improve behavior or provide an enhanced
19 learning experience.

20 (2) “Alternative Education Placement Team” is a team established to develop a student
21 intervention plan for each student placed in an alternative program.

(3) “Intervention Plan” is an action plan that addresses the individual educational needs of the student by considering:

(a) Academic, behavioral or therapeutic needs of the student;

(b) Criteria for the student’s re-entry into the traditional program;

(c) Provisions for periodic review of the student’s progress while in an alternative education program; and

(d) Inclusion of components of the student’s Individual Learning Plan (ILP) pursuant to 704 KAR 3:305 while in an alternative education program.

(4) “Involuntary Placement” is the placement of a student in an alternative education program by local district school personnel to:

(a) Ensure the safety of the individual student or the student body;

(b) Meet the educational needs of the student; or

(c) Effectuate the placement as a state agency child pursuant to KRS 158.135 and 505 KAR 1:080.

(5) “On-site Program” is an alternative education program located within the student’s assigned school campus.

(6) “Off-site Program” is an alternative education program located in a separate and dedicated program facility.

(7) “Type I Academic Programs” are alternative education programs targeted to provide educational supports for remediation services; intervention and support services; or innovative and accelerated curriculum options for students who have not excelled in the traditional program.

(8) “Type II Discipline Programs” are programs targeted to provide educational supports for disruptive students who need additional behavioral interventions to succeed in the school environment.

(9) “Type III State Agency Children Programs” are programs targeted to provide therapeutic supports to students with social and emotional issues that create barriers to learning pursuant to KRS 158.135, KRS 605.110 and 505 KAR 1:080.

(10) “Voluntary Placement” is when parents, emancipated students and school personnel choose to place the student into an alternative education program to better meet the educational needs of the student.

Section 2. General Requirements. (1) Districts shall ensure that alternative education programs encompass a wide range of opportunities for students. Alternative programs shall not be limited to one type of program offering to students. Students enrolled in alternative education programs shall be eligible to participate in one or more types of programs to address student needs including virtual school, credit recovery and innovative pathways to graduation.

(2) Local boards of education shall adopt policies and procedures for the operation of alternative education programs within the district. Locally adopted policies and procedures shall include:

- a. Goals of the program;
- b. Eligibility criteria;
- c. Process for placement of students in the program;
- d. Process for transition of students out of the program;
- e. Composition of the Alternative Education Placement Team.

(3) Alternative educational programs may be offered either on-site or off-site.

(4) Classroom instruction practices and graduation requirements shall correspond with the Kentucky Board of Education's curriculum standards, student learning goals and curriculum and assessment requirements in KRS 156.160; 158.645; 158.6451 and 704 KAR 3:305.

Section 3. Placement of Students. (1) The placement of students in alternative education programs shall be voluntary or involuntary. Students entering alternative education programs shall meet the eligibility requirements for the program established by the local board in Section 2 of this regulation.

(2) The parent(s) or legal guardian(s) of the student shall be invited to participate in the placement team. The placement team for all students with identified learning disabilities shall be the Admission and Release Committee (ARC) pursuant to 707 KAR 1:320 which is responsible for the student's Individual Education Plan (IEP). For students with IEP's, the intervention plan shall be the IEP.

(3) Students participating in alternative education programs shall be eligible to access extracurricular activities pursuant to local district policies and all applicable rules of participation.

Section 4. Costs and Expenditures. Districts shall use the statewide financial management system and the current chart of accounts to track costs and expenditures associated with each alternative education programs operating in the district.

Section 6. Data. Beginning in the 2012-2013 school year, districts shall utilize the student information system to collect and maintain data regarding students in alternative education programs. Data shall be collected to:

- 1 (a) Identify the individual students participating in each alternative education program;
 - 2 (b) Identify the aggregate number of students served or participating in alternative
 - 3 education programs during the school year;
 - 4 (c) Identify the entry and exit dates of students from alternative education programs;
 - 5 (d) Identify the disposition of the student departing an alternative education program;
 - 6 (e) Identify the type and name of the alternative education programs being offered; and
 - 7 (f) Identify whether the placement is voluntary or involuntary.
- 8 Section 7. Personnel. Alternative education program teachers and administrators shall be
- 9 subject to the teacher licensure requirements of KRS Chapter 161.